

Approved
3/16/05

MEDICAL EXAMINING BOARD
FEBRUARY 16, 2005
MEEETING MINUTES

PRESENT: Lief Erickson, MD; Alfred Franger, MD; Jon Gudeman, MD; Virginia Heinemann; Sujatha Kailas, MD; Jack Lockhart, MD; Daniel Miota, DO; Gene Musser, MD; Sandra Osborn, MD

EXCUSED: Mary Cook, JD; Ian Munro, MD; Bhupinder Saini, MD

STAFF: Tom Ryan, Bureau Director; Colleen Baird, DRL Board Counsel; Karen Rude-Evans, Program Assistant; Darwin Tichenor, Exam Specialist; and DOE Staff

GUESTS: Mark Grapentine, WI Medical Society

CALL TO ORDER

Chair Alfred Franger, MD, called the meeting to order at 8:05 a.m.

APPROVAL OF AGENDA

ADDITIONS:

Informational item: correspondence from Terri Pherson, Vice President, HealthScreen
Plus
Proposed Stipulation, Final Decision and Order in the matter concerning William Hisgen,
MD, case 01 MED 225
Proposed Stipulation, Final Decision and Order in the matter concerning Steven F. Krah,
MD, case 03 MED 190
Request for extension of time to conduct investigation in case 04 MED 143
Review and possible issuance of administrative warning for Raymond G Bachhuber.,
MD, case 02 MED 049
Review complaint regarding R.E.S., MD
Report of Death Cases – informational item
3-Year Report – informational item

MOTION: Dr. Musser moved, seconded by Dr. Erickson, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

CORRECTIONS: On page 1, Dr. Osborn was present at the meeting.
On page 8, Dr. Munro seconded the motion, not Dr. Franger.

MOTION: Ms. Heinemann moved, seconded by Dr. Musser, to approve the minutes of December 15, 2004 as corrected. Motion carried unanimously.

REPORT OF SCREENING PANEL

Ms. Heinemann reported that of the 25 cases screened 5 were opened, 18 were not opened and 2 required more information.

CONSIDERATION OF APPOINTMENTS TO THE RESPIRATORY CARE PRACTITIONERS EXAMINING COUNCIL

EDWARD R WINGA, MD

MOTION: Dr. Osborn moved, seconded by Dr. Lockhart, to approve the appointment of Edward R. Winga, MD, to the Respiratory Care Practitioners Examining Council. Motion carried unanimously.

ANN M JOHNSON, RRT

MOTION: Dr. Miota moved, seconded by Dr. Kailas, to approve the appointment of Ann M. Johnson, RRT, to the Respiratory Care Practitioners Examining Council. Motion carried unanimously.

ADMINISTRATIVE REPORT

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

Mr. Ryan reviewed these reports with the Board.

FSMB TRAVEL

Mr. Ryan reviewed the travel forms and policies with the Board. Dr. Franger stated that he will not be able to attend the FSMB National Meeting May 12-15, 2005, in Dallas, TX. Dr. Kailas expressed interest in attending the meeting.

MOTION: Dr. Miota moved, seconded by Dr. Osborn, to approve Dr. Kailas and a DRL representative attend the FSMB National Meeting May 12-15, 2005, in Dallas TX. Motion carried unanimously.

BUDGET REPORT

Deputy Secretary Sandra Rowe addressed the Board and reviewed the Governor's proposed budget cuts and the proposed consolidations of attorneys, human resources, and IT services.

The Board discussed concerns with the proposed attorney consolidation. The Board asked Legal Counsel Colleen Baird to get a general consensus from the Office of Legal Counsel and DOE prosecutors regarding this proposal, and to bring this information to the next Board meeting.

PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN THE MATTER OF WILLIAM HISGEN, MD, BY ATTORNEY JEANETTE LYTLE – CASE 01 MED 225 – CASE ADVISOR – BHUPINDER SAINI

DOE attorney Jeanette Lytle presented the proposed stipulation, final decision and order in the matter concerning William Hisgen, MD. This matter will be deliberated on in closed session.

PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN THE MATTER OF STEVEN F KRAH, MD, BY ATTORNEY ARTHUR THEXTON – CASE 03 MED 190 – CASE ADVISOR – IAN MUNRO

DOE attorney Arthur Thexton presented the proposed stipulation, final decision and order in the matter concerning Steven F. Krah, MD. This matter will be deliberated on in closed session.

CORRESPONDENCE REGARDING DEA POLICY STATEMENT ON PRESCRIBING OF CONTROLLED SUBSTANCES

MOTION: Dr. Musser moved, seconded by Dr. Erickson, to have Dr. Saini prepare a response to the correspondence and to bring his comments to the next meeting. Motion carried unanimously.

Mr. Ryan will inform Dr. Saini of the motion.

VERMONT BOARD OF OSTEOPATHIC PHYSICIANS AND SURGEONS' PROPOSED FSMB RESOLUTION

MOTION: Dr. Osborn moved, seconded by Dr. Lockhart, to not support the proposed FSMB resolution from the Vermont Board of Osteopathic Physicians and Surgeons. Dr. Kailas opposed. Motion carried.

DISCUSSION OF STATUTES AND RULES EXAMINATION TOPICS

Examination Specialist Darwin Tichenor discussed the Statutes and Rules exam with the Board. Mr. Tichenor asked the Board members for input and suggestions to update the exam questions. The goal is to convert to an online examination format within the next several months. Dr. Franger suggested Mr. Tichenor bring an actual exam form to the next meeting for review.

INFORMATIONAL ITEMS

Noted.

CLOSED SESSION

MOTION: Virginia Heinemann moved, seconded by Sandra Osborn, to recess to closed session pursuant to Chapter 19.85 (1)(a), (b), (f), and (g), Wis. Stats., for the purpose of deliberation of proposed orders and objections, deliberation of proposed stipulations, final orders and decisions, reviewing requests for stays of suspensions and modifications of orders, issuing complaints, ratifying licenses and certificates, reviewing case status report, meeting and discussion with the Division of Enforcement and consulting with legal counsel. Roll call vote: Lief Erickson – yes, Alfred Franger – yes, Jon Gudeman – yes, Virginia Heinemann – yes, Sujatha Kailas – yes, Jack Lockhart – yes, Daniel Miota – yes, Gene Musser – yes, Sandra Osborn – yes. Motion carried unanimously.

Open session recessed at 9:27 a.m.

RECONVENE IN OPEN SESSION

MOTION: Virginia Heinemann moved, seconded Dr. Osborn, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 12:30 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

MOTION: Dr. Erickson moved, seconded by Dr. Kailas, to reaffirm all motions made during closed session. Motion carried unanimously.

**PROPOSED STIPULATION, FINAL DECISION AND ORDER IN THE
MATTER OF WILLIAM HISGEN, MD - CASE 01 MED 225**

MOTION: Dr. Erickson moved, seconded by Dr. Miota, to adopt the Findings of Fact in the matter of William Hisgen, MD. Dr. Musser abstained. Motion carried.

MOTION: Dr. Miota moved, seconded by Dr. Erickson, to adopt the Conclusions of Law in the matter of William Hisgen, MD. Dr. Musser abstained. Motion carried.

MOTION: Ms. Heinemann moved, seconded by Dr. Erickson, to adopt the Final Decision and Order in the matter of William Hisgen, MD. Dr. Musser abstained. Motion carried.

**PROPOSED STIPULATION, FINAL DECISION AND ORDER IN THE
MATTER OF STEVEN F KRAH, MD – CASE 03 MED 190**

MOTION: Dr. Musser moved, seconded by Dr. Kailas, to dismiss case 03 MED 190 against Steven F. Krah, MD, for no findings. Motion carried unanimously.

**ISSUE ADMINISTRATIVE WARNING TO RICHARD M WEBB, MD
CASE 04 MED 306**

MOTION: Dr. Miota moved, seconded by Dr. Musser, to issue an administrative warning to Richard M. Webb, MD. Case advisor Dr. Kailas abstained. Motion carried.

**ISSUE ADMINISTRATIVE WARNING TO RAYMOND G BACHHUBER, MD
CASE 02 MED 049**

MOTION: Dr. Musser moved, seconded by Dr. Miota, to issue an administrative warning to Raymond G. Bachhuber, MD. Motion carried unanimously.

**PETITION FOR EXTENSION OF TIME TO COMPLETE INVESTIGATION
CASE 04 MED 143**

MOTION: Dr. Erickson moved, seconded by Dr. Miota, to support the petition for extension of time to complete the investigation in case

04 MED 143 and to send the request to Deputy Secretary Rowe for her consideration. Case advisor Dr. Musser abstained. Motion carried.

**PROPOSED ORDER AND OBJECTIONS IN THE MATTER OF
CHRISTINE E LANGEMO, MD**

MOTION: Dr. Gudeman moved, seconded by Dr. Lockhart, to accept the Decision of the administrative law judge in the matter of Christine E. Langemo, MD. Case advisors were Dr. Sidney Johnson and Dr. Sujatha Kailas. Dr. Kailas abstained. Motion carried.

ISSUE COMPLAINTS

MOTION: Ms. Heinemann moved, seconded by Dr. Erickson, that there is probable cause to believe that the licensee in **02 MED 184** is guilty of unprofessional conduct and that a complaint be issued. Case advisor Dr. Franger abstained. Motion carried.

DOE MONITORING

**REQUEST FOR THREE MONTH STAY OF SUSPENSION
RAYMOND KOZIOL, MD**

MOTION: Dr. Miota moved, seconded by Ms. Heinemann, to grant a 1-month stay of suspension to Raymond Koziol, MD, and to inform Dr. Koziol that he must sign up at First Lab and start his screens within thirty (30) days from the date of the Order. Dr. Gudeman abstained. Motion carried.

**REQUEST FOR THREE MONTH STAY OF SUSPENSION
DAVID ONSRUD, DO**

MOTION: Dr. Miota moved, seconded by Dr. Erickson, to grant a three-month stay of suspension to David Onsrud, DO. Dr. Lockhart abstained. Motion carried.

DOE CASE CLOSINGS

MOTION: Dr. Erickson moved, seconded by Dr. Musser, to close case **04 MED 403** for no violation. Case advisor – Dr. Gudeman. Motion carried unanimously.

- MOTION:** Dr. Miota moved, seconded by Ms. Heinemann, to close case **04 MED 318** for no violation. Case advisor – Dr. Gudeman. Motion carried unanimously.
- MOTION:** Dr. Erickson moved, seconded by Dr. Kailas, to close case **02 MED 495** for compliance gained. Case advisor – Dr. Miota. Dr. Musser abstained. Motion carried.
- MOTION:** Ms. Heinemann moved, seconded by Dr. Miota, to close case **03 MED 190** for no violation against respondent J.S. and for prosecutorial discretion against respondent L.S. Case advisor – Dr. Munro. Motion carried unanimously.
- MOTION:** Dr. Miota moved, seconded by Dr. Osborn, to close case **04 MED 148** for insufficient evidence. Case advisor – Dr. Erickson. Motion carried unanimously.
- MOTION:** Dr. Osborn moved, seconded by Dr. Musser, to close case **02 MED 015** for no violation. Case advisor – Dr. Saini. Motion carried unanimously.
- MOTION:** Dr. Erickson moved, seconded by Dr. Miota, to close case **04 MED 006** for no violation against respondent T.S. Case advisor – Dr. Lockhart. Motion carried unanimously.
- MOTION:** Dr. Miota moved, seconded by Dr. Erickson, to close case **04 MED 006** for prosecutorial discretion against respondent R.B. Case advisor – Dr. Lockhart. Motion carried unanimously.

RATIFICATION OF LICENSES AND CERTIFICATES

- MOTION:** Dr. Erickson moved, seconded by Dr. Musser, to ratify all licenses and certificates. Motion carried unanimously.

RATIFICATION OF EXAM SCORES

- MOTION:** Dr. Musser moved, seconded by Dr. Kailas, to ratify all exam scores. Motion carried unanimously.

ADJOURNMENT

- MOTION:** Ms. Heinemann moved, seconded by Dr. Musser, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:32 p.m.

NEXT MEETING: MARCH 16, 2005

